

Los Angeles County Department of Public Health
 Division of Substance Abuse Prevention and Control
 Summary of COVID-19 Flexibilities Sunset Dates
 Updated: 6/28/21

Background

During the COVID-19 Public Health Emergency, the State Department of Health Care Services (DHCS) allowed various regulatory flexibilities to ensure access to specialty substance use disorder (SUD) services. With the improvement of the COVID-19 situation, many of these flexibilities will be sunsetting. Please visit [DHCS' Information for Providers & Partners](#) page for additional details. Below is a summary of the flexibilities and sunset dates.

Behavioral Health Services – BH-IN 20-009 Updated

| Flexibility Topic | Flexibility Description | Expiration Date | | |
|---|---|-----------------|---------|-----------------|
| | | 6/30/21 | 9/30/21 | Other |
| Meetings, gatherings, and events | <ul style="list-style-type: none"> Expired Flexibility: Meetings, gatherings, and events were modified/suspended during COVID-19 emergency. <p><i>The executive order is no longer in effect, however there a subset of provisions that facilitate ongoing recovery. See Safely Reopening California and CDPH-State Public Health Order June 11, 2021</i></p> | | | X (06/15/21) |
| Administrative penalties not imposed for non-compliance with safeguards of health information | <ul style="list-style-type: none"> Expiring Flexibility: The federal Department of Health and Human Services (HHS) guidelines for telehealth exercised discretion during COVID-19 to not impose administrative penalties for non-compliance with the HIPAA rules in connection with good faith provision of telehealth in using non-public facing audio or video communication products. Expiring Flexibility: Allowable platforms were expanded to include popular communication applications for video chats such as Apple FaceTime, Facebook Messenger Video Chat, Google Hangouts, Skype, Whatsapp video app and Zoom. <p><i>Health and Safety Code section 1280.17 administrative penalties for non-compliance related to safeguards of health information of unauthorized access or inadvertent disclosure. Only HIPAA-compliant communication applications may be used to provide telehealth services.</i></p> | X | | |

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| | <p><i>Specific guidance for providers regarding HIPAA and telehealth is available from the external resources listed on DHCS' Telehealth Resources page.</i></p> <p><i>For technical assistance related to a HIPAA-compliant platform of service delivery contact California Institute of Behavioral Health Solutions (CIBHS) Amy McIlvaine amcilmvaine@cibhs.org.</i></p> | | | |
| Provider consent and documentation requirements waived. | <ul style="list-style-type: none"> Expiring Flexibility: Waived the responsibility of a provider to obtain and document verbal or written consent before the use of telehealth services. <p><i>Business Professions Code section 2290.5 (b) provider must obtain and document verbal or written consent before use of telehealth services.</i></p> | X | | |
| Telephonic (audio-only) service provision | <ul style="list-style-type: none"> Expiring Flexibility: Allowed the initial clinical diagnostic assessment, determination of medical necessity, and level of care to be conducted by telephone (audio-only). These services may be provided by telehealth, or in-person, independent of the emergency. <p><i>DHCS will provide updates to the telehealth policy, including information about whether telephone (audio-only) may be used for clinical assessments, pending final decisions by the legislature.</i></p> <p><i>SAPC reimburses for eligible telephone services. Calls must be documented and made from a DMC-certified location. Eligible services include: crisis intervention, individual counseling, collateral services, case management, and recovery support services. (SAPC Provider Manual)</i></p> | X | | |
| Allowed group counseling via telephone/telehealth. | <ul style="list-style-type: none"> Expiring Flexibility: DMC-ODS authorized group counseling sessions to be conducted via telephone and telehealth if the provider obtained consent from all of the participants and took the necessary security precautions, in compliance with HIPAA and 42 CFR Part 2. | X | | |

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| | <i>Telehealth services are not approved for group-based treatment and group education services in either residential or outpatient settings.</i> | | | | | | | | | |
| Additional time to complete counselor certification requirements. | <ul style="list-style-type: none"> Expiring Flexibility: Alcohol and other drug (AOD) registered counselors were given three (3) additional months to complete certification requirements. <p><i>California Code of Regulations, Title 9, §13035(f)(1) requires AOD Certification completion within 5-years of registration by one of the DHCS recognized certification organizations.</i></p> | | X | | | | | | | |
| No additional billing code (e.g. modifier) required | <ul style="list-style-type: none"> Expiring Flexibility: Did not require a billing code (modifier) for claims of services rendered via telehealth or telephone. <p><i>Use of modifiers for claim reimbursement of telehealth and telephone services will be mandatory for DMC-ODS counties, based on DHCS' new telehealth policy.</i></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td><i>Televideo Service</i></td> <td><i>02 GT</i></td> </tr> <tr> <td><i>Telephone Service</i></td> <td><i>02 UB</i></td> </tr> <tr> <td><i>Store & forward (e-consult in DMC-ODS)</i></td> <td><i>02 GQ</i></td> </tr> </table> | <i>Televideo Service</i> | <i>02 GT</i> | <i>Telephone Service</i> | <i>02 UB</i> | <i>Store & forward (e-consult in DMC-ODS)</i> | <i>02 GQ</i> | | | X (11/1/21) |
| <i>Televideo Service</i> | <i>02 GT</i> | | | | | | | | | |
| <i>Telephone Service</i> | <i>02 UB</i> | | | | | | | | | |
| <i>Store & forward (e-consult in DMC-ODS)</i> | <i>02 GQ</i> | | | | | | | | | |

Opioid Treatment Programs (OTP; aka: Narcotic Treatment Programs [NTP])

| Flexibility Topic | Flexibility Description | Expiration Date | | |
|--|--|-----------------|---------|-------|
| | | 6/30/21 | 9/30/21 | Other |
| Obtaining criminal background checks (CBC) | <ul style="list-style-type: none"> Expiring Flexibility: Allowed Narcotic Treatment Programs (NTP) and Alcohol and Other Drug (AOD) Residential Treatment facilities with an adolescent treatment waiver the ability to request alternatives to criminal background checks (CBC), such as online criminal justice checks and/or exemption of telehealth only staff (those with no direct contact) from obtaining CBC. <p><i>Resume criminal background checks including fingerprinting pursuant to state and federal statutes and regulations.</i></p> | X | | |

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| Provider consent and documentation requirements waived. | <ul style="list-style-type: none"> Expiring Flexibility: Waived the responsibility of a provider to obtain and document verbal or written consent before the use of telehealth services. <i>Per Business Professions Code section 2290.5 (b), a provider must obtain and document verbal or written consent before use of telehealth services.</i> | X | | |
| Additional time to complete counselor certification requirements. | <ul style="list-style-type: none"> Expiring Flexibility: Alcohol and other drug (AOD) registered counselors were given three (3) additional months to complete certification requirements. <i>California Code of Regulations, Title 9, §13035(f)(1) requires AOD Certification completion within 5-years of registration by one of the DHCS recognized certification organizations.</i> | | X | |

Alcohol & Other Drug (AOD) Facilities – BH-IN 20-017 Updated

| Flexibility Topic | Flexibility Description | Expiration Date | | |
|--|---|-----------------|---------|-------|
| | | 6/30/21 | 9/30/21 | Other |
| License or certified AOD Residential & Outpatient facility application extensions | <ul style="list-style-type: none"> Expiring Flexibility: DHCS Licensing Analysts will grant application extensions to licensed or certified AOD Residential and Outpatient treatment facilities to address any outstanding and/or needed documentation of regulatory and certification standard requirements. <i>Providers must adhere to DHCS regulatory and certification requirements within application deadline timeframes.</i> | X | | |
| Expedited review and approval process for AOD residential increased treatment bed capacity requests. | <ul style="list-style-type: none"> Expiring Flexibility: DHCS initiated an expedited review and approval process for requests to increase treatment bed capacities for AOD residential treatment facilities by electronic submissions of DHCS Supplemental and Facility Data Staffing Form. | X | | |

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| | <i>DHCS will resume normal review and approval of AOD increased bed capacity requests.</i> | | | |
| Suspension of DHCS on-site licensing inspections. | <ul style="list-style-type: none"> Expiring Flexibility: DHCS suspended inspection requirements of on-site initial and biennial licensing inspections instead conducting inspections virtually (video conferencing, photographs, and/or conference calls). <i>DHCS will resume on-site initial and biennial licensing inspections.</i> | X | | |
| Expedited AOD Residential Licensing review and processing. | <ul style="list-style-type: none"> Expiring Flexibility: DHCS was granted authority to expedite review/process and streamline the application process for an entity applying for licensure as an AOD residential treatment facility by: <ul style="list-style-type: none"> o Allowing entity to submit requirement information after DHCS issuance of incomplete application; o Conducting virtual inspections of facility(ies); o Approving a one-year provisional license period in accordance with Health and Safety Code 11834.09(d). <i>DHCS will resume normal AOD Residential Licensing review process.</i> | X | | |
| Criminal background check (CBC) alternative options. | <ul style="list-style-type: none"> Expiring Flexibility: Allowed Narcotic Treatment Programs (NTP) and Alcohol and Other Drug (AOD) Residential Treatment facilities with an adolescent treatment waiver the ability to request alternatives to criminal background checks (CBC), such as online criminal justice checks and/or exemption of telehealth only staff (those with no direct contact) from obtaining CBC. <i>Resume criminal background checks including fingerprinting pursuant to state and federal statutes and regulations.</i> | X | | |

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Driving Under the Influence (DUI) Program – BH-IN 20-016 Updated

| Flexibility Topic | Flexibility Description | Expiration Date | | |
|---|--|-----------------|---------|-------|
| | | 6/30/21 | 9/30/21 | Other |
| Provided affected participants with blanket Leaves of Absence (LOA) | <ul style="list-style-type: none"> <u>Expiring Flexibility</u>: Blanket leaves of absence (LOA) were available for: <ul style="list-style-type: none"> Each participant affected by COVID-19 to be placed on LOA. Programs that temporarily closed due to COVID-19 to impose a blanket LOA for all enrolled participants. <p><i>Resume Leave of Absence procedures stipulated in California Code of Regulations (CCR) Title 9, Division 4, Chapter 3, §9876.5.</i></p> | X | | |
| Suspension of DHCS on-site inspections | <ul style="list-style-type: none"> <u>Expiring Flexibility</u>: During the pandemic, on-site inspections were suspended, and virtual sessions were implemented. These inspections documented virtually that the facility was clean, safe and free of alcohol or illicit drug use, and required files sent via secure email. <p><i>On-site inspections will resume.</i></p> | X | | |
| Alternate DUI program funding mechanisms | <ul style="list-style-type: none"> <u>Expiring Flexibility</u>: During the pandemic DUI providers were permitted to receive funding from other sources. <p><i>Per regulation, DUI providers must be self-supported from participant fees.</i></p> | X | | |
| Additional time to complete counselor certification requirements. | <ul style="list-style-type: none"> <u>Expiring Flexibility</u>: Alcohol and other drug (AOD) registered counselors were given three (3) additional months to complete certification requirements. <p><i>California Code of Regulations, Title 9, §13035(f)(1) requires AOD Certification completion within 5-years of registration by one of the DHCS recognized certification organizations.</i></p> | | X | |

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| Process to request fee reductions or waivers | <ul style="list-style-type: none"> • <u>Expiring Flexibility</u>: Alcohol DHCS allowed DUI providers to submit requests to waive State fees. <i>State fee process will resume.</i> | X | | |
| DUI services via telephone and telehealth | <ul style="list-style-type: none"> • <u>Flexibility sunset date pending</u>: DUI programs may utilize telehealth services (i.e., video conferencing for counseling, groups, and education requirements) if participant identities are verified. Enrollments are not allowed via phone. | | | Unknown |